THE HON'BLE Mr. JUSTICE R. SUBHASH REDDY

Writ Petition No.2159 of 2006

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Dated: February 7, 2006

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Between:

K. Sreeramulu, S/o. K. Sulagappa,

Aged about 48 years, C/o. T.V. Anantharam &

Sons, R/o.107, 4th Cross, Kalasipalyam,

New Extension, Bangalore.

… Petitioner.

And

The Government of Andhra Pradesh, rep.

by its Principal Secretary, Transport Dept.,

Secretariat Buildings, Hyderabad, and

two others.

… Respondents.

Order:

This writ petition is filed seeking direction by way of Writ of Mandamus to declare the action of the second respondent in not receiving the fine amount of Rs.9,300/- as mentioned in the Vehicle Check Report No.2429547 dated 20-12-2005 and not releasing the vehicle of the petitioner bearing No.KA-01-AD-8786 as illegal and arbitrary.

2. From the Vehicle Check Report dated 20-12-2005; it indicates that the permissible weight of the vehicle was 16,700 Kgs. and it was overloaded by 9,300 Kgs. more. It is stated that as per the provisions under Sections 114 and 194 of the Motor Vehicles Act, 1988
('the Act' for brevity) the offence was compounded by fixing compounding fees of Rs.9,300/-. In spite of the fact that the petitioner is prepared to pay that amount, respondents are not agreeing to receive the said amount and release the vehicle.

3. On instructions, the learned Government Pleader appearing for the respondents submits that the petitioner did not approach the respondents with other relevant documents to release the vehicle.

4. As much as so far overloading aspect is concerned, the offence has already been compounded by fixing the compounding fee of Rs.9,300/-. In that view of the matter, I dispose of the writ petition directing the respondents to release the vehicle bearing No. KA-01-AD-8786, within a period of three days from the date of receipt of a copy of this order, by collecting the compounding fee of Rs.9,300/-. However, the petitioner is directed to produce other relevant documents necessary for release of the vehicle.

5. Subject to the above directions, the writ petition is disposed of.

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JUSTICE R. SUBHASH REDDY.

February 7, 2006

N.B. **Furnish copy tomorrow.**

B/o

MRR

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